

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 375 - SB 476

March 3, 2011

SUMMARY OF BILL: Expands the Class C felony offense of aggravated assault to include a person who attempts or intends to cause bodily injury to another by strangulation. Defines "strangulation" as intentionally impeding normal breathing or circulation of the blood by applying pressure to the throat or neck or by blocking the nose and mouth of another.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$786,700/Incarceration*

Assumptions:

- According to the Department of Correction (DOC), there has been an average of 956 admissions for aggravated assault in each of the past 10 years. DOC estimates that 10 percent (96) of those would have been reduced to a misdemeanor charge under current law because the offense did not result in serious bodily injury to the victim. Ten percent of those (10) would involve strangulation.
- Ten offenders will be convicted of a Class C felony offense relating to strangulation in the first year due as a result of this bill. According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will result in one additional offender in the tenth year. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 11 offenders.
- According to DOC, the average operating cost per offender per day for calendar year 2011 is \$60.62. The average post-conviction time served for a Class C felony is 3.23 years (1,179.76 days) at a cost of \$71,517.05 (\$60.62 x 1,179.76 days). The total additional operating cost for 11 offenders is \$786,687.55 (\$71,517.05 x 11).
- There will not be a significant decrease in the number of misdemeanor convictions for state or local government to experience a significant reduction in expenditures or revenue.
- Any impact on the caseloads for state trial courts can be accommodated within existing judicial resources without an increased appropriation or reduced reversion.

*Tennessee Code Annotated, Section 9-4-210, requires that: *For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/lsc